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The Venetian Casino Resort, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MUSTAFA YOUSIF and SHARONE WALKER on
behalf of themselves and all others similarly situated,

Plaintiffs,

v.

THE VENETIAN CASINO RESORT, LLC; LAS
VEGAS SANDS, CORP. and DOES 1 through 50,
inclusive,

Defendants.

Case No. 2:16-cv-02941-RFB-NJK

**JOINT STIPULATION AND ORDER
TO CORRECT CLERICAL ERRORS
AND TO AMEND BRIEFING
SCHEDULE ON MOTIONS FOR
CLASS CERTIFICATION AND DE-
CERTIFICATION SET FORTH IN
MINUTES OF PROCEEDING [DKT.
NO. 222]**

Pursuant to Federal Rule of Civil Procedure 60(a) and LR IA 6-1 and LR IA 6-2, Plaintiffs Mustafa Yousif and Sharone Walker (“Plaintiffs”) and Defendant Venetian Casino Resort, LLC (“Venetian”) (collectively, the “Parties”) hereby stipulate to correct clerical errors and to amend the briefing schedule on Plaintiffs’ motion for FRCP 23 class certification and Venetian’s motion for de-certification of the conditionally certified FLSA collective set forth in the Court’s Minutes of Proceedings (Dkt. No. 222) (the “6/21/2022 Minutes”), as follows:

WHEREAS, on October 14, 2021, Venetian filed an Omnibus Motion to Dismiss 46 Opt-In Plaintiffs for Failing to Comply with Discovery Obligations and Court Orders (Dkt. No. 205) (the “Omnibus Motion to Dismiss”), seeking to dismiss (1) 42 opt-in plaintiffs who did not respond to Venetian’s Discovery Questionnaire by the Court-ordered deadline and (2) four opt-in plaintiffs who did not appear for their duly noticed depositions;

WHEREAS, on June 21, 2022, the Court heard the Omnibus Motion to Dismiss and ordered: (1) Venetian to provide updated contact information for the 46 opt-in plaintiffs at issue by June 28, 2022; (2) the 42 opt-in plaintiffs who had not responded to Venetian’s Discovery Questionnaire to provide verified responses by July 29, 2022; and (3) any of the 42 opt-in plaintiffs who failed to respond to Venetian’s Discovery Questionnaire by the July 29, 2022 deadline to be dismissed from the lawsuit, *see* Dkt. 223, Reporter’s Transcript of Zoom Videoconference Proceedings, at 22:6-23:17;

WHEREAS, on June 24, 2022, the Court issued the 6/21/2022 Minutes;

WHEREAS, the 6/21/2022 Minutes contain a clerical error because they state that “the opt-in plaintiffs have until July 29, 2022 to opt-in,” *see* Dkt. No. 222 (emphasis added);

WHEREAS, the 6/21/2022 Minutes should have stated that “the opt-in plaintiffs have until July 29, 2022 to respond” to accurately reflect the Court’s order and the record in this lawsuit because the 42 opt-in plaintiffs at issue had already filed joinder forms with the Court and thus opted into the lawsuit, *see* Dkt. 223, Reporter’s Transcript of Zoom Videoconference Proceedings, at 23:15-17 (emphasis added);

WHEREAS, the 6/21/2022 Minutes contain a clerical error because they state that “Any de-certification motion is due September 30, 2022 with responses due October 28, 2022 and replies

1 due November 11, 2022,” but inadvertently omitted Plaintiffs’ motion for FRCP 23 class
2 certification from this briefing schedule, *see* Dkt. No. 222;

3 WHEREAS, the 6/21/2022 Minutes should have included that “Any motion for FRCP 23
4 class certification is due September 30, 2022 with responses due October 28, 2022 and replies due
5 November 11, 2022” to accurately reflect the Court’s order and the record in this lawsuit, *see* Dkt.
6 No. 223, Reporter’s Transcript of Zoom Videoconference Proceedings, at 25:11-13, 29:11-14;

7 WHEREAS, counsel for Venetian has a scheduling conflict with the briefing schedule set
8 forth in the 6/21/2022 Minutes because of a two-week trial in another matter that was continued
9 from August 8, 2022 to October 17, 2022;

10 WHEREAS, the Parties have agreed to amend the briefing schedule set forth in the
11 6/21/2022 Minutes as follows: any motion for FRCP 23 class certification or de-certification motion
12 is due September 30, 2022 with responses due November 18, 2022 and replies due December 9,
13 2022;

14 WHEREAS, this is the Parties’ first request to modify the briefing schedule set forth in the
15 6/21/2022 Minutes and the Parties make this stipulation in good faith and not for purposes of delay;

16 NOW, THEREFORE, the Parties agree that:

17 (1) for purposes of clarity in the record, the 6/21/2022 Minutes should be corrected to
18 reflect that the sentence stating that, “the opt-in plaintiffs have until July 29, 2022 to opt-in,” should
19 have stated that “the opt-in plaintiffs have until July 29, 2022 to respond;”

20 (2) for purposes of clarity in the record and for clarity of the deadlines, the 6/21/2022
21 Minutes should be corrected to include the deadlines for the briefing of any motion for FRCP 23
22 class certification; and

23 (3) the briefing schedule set forth in the 6/21/2022 Minutes be amended so that any
24 motion for FRCP 23 class certification or de-certification motion is due September 30, 2022 with
25 responses due November 18, 2022 and replies due December 9, 2022.

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These corrections and the amendment to the briefing schedule set forth in the 6/21/2022 Minutes do not change the Court's substantive ruling on the Omnibus Motion to Dismiss and only corrects the errors and amend the briefing schedule set forth in the 6/21/2022 Minutes.

IT IS SO STIPULATED.

DATED this 29th day of August, 2022.

DATED this 29th day of August, 2022.

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Attorneys for Defendant

The Venetian Casino Resort, LLC

ORDER

Pursuant to Federal Rule of Civil Procedure 60(a) and LR IA 6-1 and LR IA 6-2, the Court hereby grants the Parties' Joint Stipulation and Order to Correct Clerical Errors and to Amend Briefing Schedule on Motions for Class Certification and Decertification Set Forth in Minutes of Proceedings (Dkt. No. 222) and, for purposes of clarity in the record and clarity of the deadlines:

(1) corrects the clerical error in its Minutes of Proceedings to reflect that the sentence stating that, "the opt-in plaintiffs have until July 29, 2022 to opt-in," should have stated that "the opt-in plaintiffs have until July 29, 2022 to respond;"

(2) clarifies that the deadlines for any motion for FRCP 23 class certification briefing track with the de-certification motion schedule set forth in its Minutes of Proceedings, *i.e.*, any motion for FRCP 23 class certification is due September 30, 2022, responses due October 28, 2022, and replies due November 11, 2022; and

1 (3) amends the briefing schedule set forth in the 6/21/2022 Minutes as follows: any
2 motion for FRCP 23 class certification or de-certification motion is due September 30, 2022 with
3 responses due November 18, 2022 and replies due December 9, 2022.

4 These corrections and the amendment to the briefing schedule set forth in the 6/21/2022
5 Minutes do not change the Court's substantive ruling on the Omnibus Motion to Dismiss and only
6 corrects the errors and amend the briefing schedule set forth in the 6/21/2022 Minutes.

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9 RICHARD F. BOULWARE, II
10 UNITED STATES DISTRICT JUDGE

11 DATED: September 21, 2022,
12 *nunc pro tunc*, dated 6/21/2022.